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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,105	12/02/2003	Chung-I Chang	BP3033-Y20-P2	2781

54826 7590 02/10/2006

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EXAMINER

LUU, MATTHEW

ART UNIT PAPER NUMBER

3663

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,105	<b>Applicant(s)</b> CHUNG-I CHANG	
	<b>Examiner</b> LUU MATTHEW	<b>Art Unit</b> 3663	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

Through out the specification, the word "colormeter" should be changed to - - colorimeter - -.

The specification, page 1, third paragraph, "Then a colormeter is sued to capture the values", should be - - Then a colormeter is used to capture the values - -.

Page 4, line 8, "playing" should be - - displaying - -.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seegers et al (6,439,722) in view of Evanicky et al (US 2004/0036708) (hereinafter Evanicky) and Liang (5,579,031).

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Regarding claim 3, Seegers et al disclose (Figs. 1, 3, and 4) a method for generating a color monitor profile for different operating systems (column 2, lines 5-10, the server-based system and the customer's system) comprising the steps of:

forming a multimedia film (Fig. 4, films 40-70) for a screen to be measured (Fig. 3, screen 80);

displaying the multimedia film (82) on the screen (80) (column 5, lines 43-54);

measuring the color values using the colorimeter to produce the color profiles of the monitors is also mentioned by Seegers et al (column 1, lines 32-37); and

a computer (Fig. 1, workstation 18) having a color management software (color matching process) so as to build a color monitor profile (Fig. 1, create monitor profile 22) for the computer (column 3, lines 4-14; and column 4, line 61 to column 5, line 5).

The only difference between the disclosure of Seegers et al and the claimed invention is that the claim 3 requires a colorimeter positioned near the display screen for measuring hues, gray levels, and color R, G, B values. Seegers does not explicitly teach the computer operating system is different from the display screen operating system.

However, Evanicky discloses (Fig. 9, 14, and 15) a colorimeter (800a) positioned near the display screen (216) for measuring the gray levels and the color R,G,B values (Fig. 15). The output of the colorimeter (800a) is transferred to the computer (10) for building a color monitor profile. See page 9, section 84 to page 10, section 91.

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Evanicky also mentions the using of screen-to-film color matching in the color profiling process (page 10, section 91, the last line).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the colorimeter for measuring the gray levels and the color R,G,B values for building a color monitor profile, as taught by Evanicky, into the color monitor profiling system of Seegers et al to provide a precise color calibration or color matching in a color monitor profiling system.

Regarding to the measuring the hues values, as defined in the Webster's New World Dictionary, Third College Edition, the word "colorimeter" means "an instrument for determining the intensity and hue of a color..." Thus, it would have been obvious that the colorimeter (800a) of Evanicky can measure the gray levels, the color R,G,B, and as well as the hues of the color values.

As to the computer system for executing the color management software is different from that used to the display screen to be measured, Seegers also discloses (Fig. 5) the computer operating system (92) for executing the color management is different from the screen (projection screen 96) to be measured (Column 7, lines 10-42).

Liang (5,579,031), on the other hand, also discloses (Figs. 1 and 2) a computer system for executing the color management (workstation 10 comprises a scanner, an

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image processor and a display device) (Column 5, lines 4-9) is different from the display screens (12 and 14) to be measured by the colorimeter (36) (Column 5, line 58 to column 6, line 20).

Therefore, it would have been obvious to the person of ordinary skill in the art to use the color management computer system (workstation 10) of Liang into the color monitor profile system of Seegers for producing at least two matched color displays of a digital image using two different display systems.

Furthermore, it is well known in the art that a Color Management System (CMS) is a technology for matching the manners in which the color is visible among the different input/output devices, which comprises different operating systems. By use of the CMS, it becomes possible to match the manners in which the color is visible between an image read by a scanner and an image displayed on the display unit or, between an image printed by the printer and the image read by the scanner or the image displayed on the display unit.

Regarding claim 4, Seegers et al discloses (Fig. 3) the screen (80) to be measured is any operating system currently used. Seegers also discloses (Fig. 5) the computer operating system (92) for executing the color management is different from the screen (projection screen 96) to be measured (Column 7, lines 10-42).

***Response to Arguments***

Applicant's arguments with respect to claims 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



**MATTHEW LUU  
PRIMARY EXAMINER**

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

### **CERTIFICATE OF MAILING**

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450" on (date).

(Typed or printed name of the person signing this certificate)

(signature)

### **CERTIFICATE OF TRANSMISSION**

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)\_\_\_\_-\_\_\_\_ on (date).

(Typed or printed name of the person signing this certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted.

For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee.

In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the **originally** signed Certificate of Mailing or Transmission statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

**NOTICE TO APPLICANT:** In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.